IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1953 OF 2007
IN
SUIT NO. 245 OF 1989

Mukand Limited. ... Plaintiff.

V/s.

Hindustan Wire Industries. ... Defendants.

J.P.Sen with Sheetal Shah i/b. Mehta & Girdharlal for the plaintiff.

V.V.Walawalkar with Harish R. Pawar for the defendants.

CORAM: V.C.DAGA, J.

DATED: 19th December 2007.

P.C.:

. By consent of parties, issue Nos.1, 2 and 5, framed vide order dated 17th September, 2007, stand deleted and issue Nos.(i) and (ii) shown in Schedule-I to the chamber summons are framed as additional issues, reading as under:

(i) Whether the plaintiffs prove that the defendants had agreed to pay to the plaintiffs for goods sold and delivered to them within 7 days from the date of delivery failing which the defendants had agreed to pay to the plaintiffs interest @ 18% per annum as alleged in paragraph No.1 of the plaint?

(ii) Whether the plaintiffs prove that the defendants are liable to pay to the plaintiffs Rs.4,52,346.25 along with interest @ 18% per annum in respect of goods sold and delivered by the plaintiffs to the defendants as on

31/12/1987 as alleged in paragraph No.6 of the plaint?

2. The tenure of the Commissioner is extended by another eight weeks.

3. Chamber Summons is made absolute in terms of this order with no order as to costs.

(V.C.DAGA, J.)